

U.S. Department of Justice



*United States Attorney
Eastern District of New York*

SCJ: TAD
F.#2011R00933

*271 Cadman Plaza East
Brooklyn, New York 11201*

September 22, 2011

By ECF and Electronic Mail

John T. Riely, Esq.
4405 East West Highway, Suite 601
Bethesda, Maryland 20814

Re: United States v. Marcello Capone
Criminal Docket No. 11-CR-456 (ENV)

Dear Mr. Riely:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, we enclose additional discovery in the above-referenced matter, which is responsive to your request for discovery.

When your client was in the United States Customs and Border Protection ("CBP") secondary inspection area of Terminal 1, JFK Airport, he made a telephone call. A CBP Officer overheard Mr. Capone tell whoever was on the other end of the line, in sum and substance, "I'm not going back there, there's nothing there for me," in reference to Italy. When interviewing Mr. Capone, the CBP Officer asked him whether he was in any sort of legal trouble in Italy. Mr. Capone responded "no," and stated he had not even received a parking ticket in Italy.

We also produce herewith documents Bates numbered MC 543A-543B, which are the last two pages (in English) of the ESTA form your client submitted to CBP. The Italian version of this document as well as page 1 of the English version were previously produced on July 12, 2011.

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Should you have any questions, please feel free to contact the undersigned.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/
Tiana A. Demas
Assistant U.S. Attorney
(718) 254-6116

Encls.

cc: Clerk of Court (by ECF, w/o encls.)